

REMARKS

As an initial matter, the undersigned would like to thank Examiner Arani for the courtesy of the telephone conference call held on December 28, 2004 with the applicants' representative. With the foregoing, claims 1-2, 4-8, 14-16, 19-20, and 22-28 have been amended. Claims 1-29 are pending and at issue in the above identified patent application. Of the claims at issue, claims 1, 19, and 26 are independent. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

Claims 2, 4-8, 14-16, 20, 22-25, and 27-28 have been amended solely to replace the term "said" with the equivalent term "the." It is respectfully submitted that such amendments are not narrowing and are not made for reasons related to patentability.

The Rejections under 35 U.S.C. §§ 102, 103

Claims 1-29 were rejected as unpatentable over one or more of Blatter et al. (U.S. Pat. No. 5,933,500), Barton et al. (U.S. Pat. No. 6,233,389, and LaJoie et al. (U.S. Patent No. 5,850,218). The applicants traverse the rejections and respectfully submitted that claims 1-29 are allowable over the cited art for at least the reasons set forth below.

As amended, independent claim 1 is directed to an apparatus for performing background caching of encrypted pay-per-view programming. In particular, claim 1 recites, *inter alia*, an apparatus adapted to select at least one pay-per-view event for recording without instruction from a user, and wherein the apparatus caches data packets of the selected pay-per-view event for later playback.

Claim 1 was rejected as anticipated by Blatter et al. However, Blatter et al. fails to disclose or suggest the selection of encrypted pay-per-view programming for caching without instruction from a user. Specifically, while Blatter et al. generally discloses a system that processes encrypted and non-encrypted broadcast, cable or satellite video data, there is no teaching or suggestion of an apparatus that searches and caches data packets of at least one PPV event without first receiving user instructions. Instead, Blatter et al. disclose a system requiring a user to select the programs that the user wishes to store. *See* Blatter et al., col. 3, lines 24-25; col. 8, line 62 to col. 9, line 1; and FIG. 2, box 210. Because the focus of Blatter et al. is on storing programs based on user instruction or selection, there is no teaching or suggestion in Blatter et al. for selecting at least one PPV event for recording without

instruction from a user. Therefore, Blatter et al. does not teach or suggest the apparatus recited in claim 1.

The remaining references fail to overcome the above-noted deficiencies of Blatter et al. In particular, because none of the cited references, either alone or in combination, teaches or suggests searching data packets of at least one PPV event without instruction from a user and caching the selected data packets for later playback, it follows that none of the cited art renders the claimed subject matter obvious. Accordingly, claim 1 and all claims dependent thereon are now in condition for allowance.

Independent claims 19 and 26 have also been amended to clarify that the selection of the at least one pay-per-view event for recording is initiated without instruction from a user. Thus, claims 19, 26, and all claims dependent thereon, are also allowable for at least the reasons set forth above in connection with claim 1.

For at least these reasons, it is respectfully submitted that claims 1-29 are in condition for allowance.

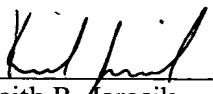
Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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